

DETAILED ACTION

The following action is in response to the response filed March 13, 2008. Amended Claims 1-10 are pending and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 2001/0005442) in view of Kato et al. (US 7,236,687).

Claims 1, 4, and 7: Ueda discloses an information edition device, method, and program for editing a logical format of recorded AV information in a recording medium, comprising a first selecting device for selecting a thumbnail image from images corresponding to image information included in the recorded AV information (, but does not explicitly disclose the logical recording format comprises a flag that indicates whether an image included in the recorded AV information or an image not included in the recorded AV information should be used as a thumbnail. Kato discloses a similar method that further discloses using thumbnails extracted from moving pictures included in a volume or pictures captured from a personal computer or a digital still camera

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(column 12, lines 23-40). The choice of a thumbnail extracted from moving pictures or a thumbnail captured from a computer or digital camera is regarded as a flag that indicates whether an image included in the recorded AV information or an image not included in the recorded AV information should be used as a thumbnail. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flag that indicates whether an image included in the recorded AV information or an image not included in the recorded AV information should be used as a thumbnail in Ueda. One would have been motivated to include this limitation for customization purposes.

Kato discloses a second selecting device for selecting a thumbnail image from images not included in the image information of the recorded AV information (column 12, lines 23-40). Specifically, Kato discloses a thumbnail may be a picture captured from a personal computer as opposed to a moving picture in a volume. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second selecting device for selecting a thumbnail image from images not included in the image information of the recorded AV information in Ueda. One would have been motivated to include this limitation in order to provide the user with a means to select a personalized thumbnail image.

Kato discloses a controlling device adapted to determine whether the image selected by the first selecting device or the image selected by the second selecting device should be specified as the thumbnail image. Specifically, Kato discloses that the user may set optional pictures as thumbnail images which are chosen from a pc, a

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digital still camera, and an in-volume image (column 12, lines 23-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a controlling device adapted to determine whether the image selected by the first selecting device or the image selected by the second selecting device should be specified as a thumbnail image in Ueda. One would have been motivated to include a controlling device adapted to select between two images in order to include representative pictures for menu thumbnails.

Ueda modified by Kato discloses a recording device for recording first position information and second position information on the recording medium, the first position information indicating on the recording medium a recording position of image information corresponding to the image selected by the first selecting device, the second position information indicating on the recording medium a recording position of image information corresponding to the image selected by the second selecting device (page 4, paragraph 55), but does not explicitly disclose setting the flag in accordance with the determination of the controlling device. However, the Examiner takes OFFICIAL NOTICE that setting a flag to indicate choices is common in the computer arts. The choice of a thumbnail extracted from moving pictures or a thumbnail captured from a computer or digital camera is regarded as a flag that indicates whether an image included in the recorded AV information or an image not included in the recorded AV information should be used as a thumbnail. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flag that indicates whether an image included in the recorded AV information or an image

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not included in the recorded AV information should be used as a thumbnail in Ueda.

One would have been motivated to include this limitation for customization purposes.

Claims 2, 5, and 8: Ueda and Kato disclose an information edition device, method, and program, as in Claims 1, 4, and 7 above, and Ueda further discloses:

a. the thumbnail image selected by the second selecting device is an image obtained from external image information or an image recorded beforehand on the recording medium other than the images corresponding to the image information in the recorded information (page 3, paragraph 73).

Claims 3, 6, and 9: Ueda and Kato disclose an information edition device, method, and program, as in Claims 1, 4, and 7 above, and Ueda further discloses:

a. when another image is selected by the second selecting device after the second position information is recorded, the recording device rerecords a recording position of image information, which corresponds to the additionally selected image, as new second position information on the recording medium (page 3, paragraph 73).

Claim 10: Ueda and Kato disclose an information edition recording medium for recording the information editing program according to Claim 7 (page 2, paragraph 36).

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
4/04/2008

/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178